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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIKI OKJE ERDMANN-BROWNING
and JACQUELINE BENITEZ, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMAS J. VILSACK, Secretary of the
United States Department of Agriculture in
his official capacity, SHALANDA YOUNG,
Director of the United States Office OF
Management and Budget, in her official
capacity.

Defendants.

Case No.: 4:23-cv-04678-JST

CLASS ACTION

**DECLARATION OF JODIE BERGER
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Hearing date: March 14, 2024
Time: 2:00 p.m.

Action filed: September 12, 2023

DECLARATION OF JODIE BERGER

I, Jodie Berger, declare:

1. I am an attorney licensed to practice law in the State of California and am one of the attorneys for plaintiffs in this case. I have personal knowledge of the facts contained in this declaration unless indicated otherwise, and, if called as a witness, am competent to testify to those facts.

2. On February 29, 2024 the parties agreed to a briefing schedule, subject to court approval, for Plaintiffs' motion for class certification. The agreement and schedule are attached as Exhibit A, with earlier discussion thread redacted.

I declare under penalty of perjury, under the laws of the United States and the State of California, that the foregoing is true and correct.

Executed on the February 28, 2024 in Oakland, California.

By:



Jodie Berger
WESTERN CENTER ON LAW AND
POVERTY

EXHIBIT A

From: Jodie Berger
To: Westmoreland, Rachael (CIV)
Subject: RE: Erdmann - stipulation
Date: Thursday, February 29, 2024 4:22:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[2024.02.29 Stip to expedite PI proceedings.signed.docx](#)
[image005.png](#)
[image007.png](#)

Thank you. I accepted all changes, but had to do some reformatting. Please confirm your /s/ signature if you consider this the final document.

(And then go be with your baby!)

Thank you.

Jodie Berger (she/her)
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From: Westmoreland, Rachael (CIV) <Rachael.Westmoreland@usdoj.gov>
Sent: Thursday, February 29, 2024 4:13 PM
To: Jodie Berger <jberger@wclp.org>
Cc: Snow, Kyla (CIV) <Kyla.Snow@usdoj.gov>
Subject: RE: Erdmann - stipulation

You don't often get email from rachael.westmoreland@usdoj.gov. [Learn why this is important](#)

Jodie,

I updated the language as we discussed. Will this work for Plaintiffs?

Thank you!
-Rachael

From: Westmoreland, Rachael (CIV)
Sent: Thursday, February 29, 2024 6:48 PM

To: Jodie Berger <jberger@wclp.org>

Cc: Snow, Kyla (CIV) <Kyla.Snow@usdoj.gov>

Subject: RE: Erdmann - stipulation

Hi Jodie,

Attached is an updated draft, reflecting a few edits by us. I think it will be most efficient to discuss them via phone, so I'm about to give you a call.

Thanks,
Rachael